

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

IN RE: WANDA GAYE BREWER

**CHAPTER 13 BANKRUPTCY
CASE NO. 12-52320-KMS**

RICHTON BANK & TRUST CO., secured creditor

MOVANT

V.

MOTION NO. _____

WANDA GAYE BREWER

RESPONDENT

MOTION TO LIFT AUTOMATIC STAY

COMES NOW, **RICHTON BANK & TRUST CO.**, by and through its attorney of record and files this, its Motion to Lift the Automatic Stay and, in support hereof, would show unto the Court the following facts, to-wit:

I.

The Court has full, complete and plenary jurisdiction over this proceeding, its subject matter and the parties herein pursuant to 28 U.S.C. §157 and 1334.

II.

RICHTON BANK & TRUST CO. is responsible for servicing this loan and authorized and empowered to bring this motion. WANDA GAYE BREWER, the debtor in this Chapter 13 proceeding, may be served with a copy of this Motion by forwarding a copy to her counsel of record, Honorable J. Thomas Ash.

III.

On or about June 16, 2010, the Debtor, WANDA GAYE BREWER, executed a Note and Deed of Trust with RICHTON BANK & TRUST CO., in the amount of \$105,163.50. A true and correct copy of the Note and Deed of Trust is attached hereto as Exhibit "A". This Note gives RICHTON BANK & TRUST CO., the servicer of the loan, a good and valid lien upon the real property located in Perry County, Mississippi and more particularly described in the legal description attached as Exhibit "B".

IV.

The Debtor wishes to surrender the real property described in paragraph three (III) above and attached as Exhibit "B".

V.

There is no equity in this property for the Chapter 13 estate, and the same is not necessary for any effective reorganization of the Debtors. The Court should lift the automatic stay in effect herein as to the Debtors under 11 U.S.C.

VI.

WHEREFORE, PREMISES CONSIDERED, RICHTON BANK & TRUST CO., prays for an order lifting the Automatic Stay and granting it such other and further relief to which this Court deems justified and reasonable under the premises.

RESPECTFULLY SUBMITTED, on this the 7th day of February, A.D., 2014.

RICHTON BANK & TRUST CO.
Secured Creditor

BY: /s/ J. Ward Conville
ATTORNEY FOR SECURED CREDITOR

J. WARD CONVILLE
Conville & Conville, PLLC
Attorneys at Law
Post Office Box 681
Hattiesburg, MS 39403
Phone: 601-584-8611
Fax: 601-584-8619
MSB# 99549

CERTIFICATE OF SERVICE

I, J. Ward Conville, Attorney for Secured Creditor, do hereby certify that I have this day emailed a true and correct copy of the above and foregoing Motion to Lift Automatic Stay to:

Honorable J. Thomas Ash

ash@jtashlaw.net

Honorable Derek Henderson

derek@derekhendersonlaw.com

Office of the Standing Trustee

USTPRegions05-JA.ECF@usdoj.gov

RESPECTFULLY SUBMITTED, on this the 7th day of February, A.D., 2014.

/s./ J. Ward Conville

J. WARD CONVILLE

ATTORNEY FOR SECURED CREDITOR

J. WARD CONVILLE
Conville & Conville, PLLC
Attorneys at Law
Post Office Box 681
Hattiesburg, MS 39403
Phone: 601-584-8611
Fax: 601-584-8619
MSB# 99549